

TWENTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 5, 1883. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Peacock, the reading of the journal of Saturday was dispensed with, and the same adopted.

Senator Chesley presented a petition from citizens of Washington, in Washington county, asking that title 5, chapter 2, of the Penal Code of the State of Texas, be amended by the addition of another article, to be designated article 144b, requiring that persons who commit crimes or violations of the laws of the State, when under the influence of intoxicating drinks of any kind, whether such influence amounts to drunkenness or not, shall be held to have committed the acts willfully and maliciously, and on conviction shall be punished by the infliction of the highest penalty fixed by law for such offense, as crimes committed under such conditions is really an aggravation, and they say the passage of such a law will be of great public benefit, and that the public peace and good order demand such a law, etc.

Referred to Judiciary Committee No. 2.

Senator Gooch introduced a bill to be entitled "An act for the relief of sheriffs and other officers who may have delivered convicts to the lessees of the penitentiary since the adoption of the contract system."

Referred to Committee on Penitentiaries.

Senator Matlock introduced a bill to be entitled "An act to amend chapter 93, of the acts of April 4, 1881, entitled 'an act to protect stock-raisers and to encourage stock-raising.'"

Referred to Committee on Stock and Stock Raising.

Senator Chesley introduced a bill to be entitled "An act to protect the enclosed lands of any person from trespass by shooting, hunting, fishing and fowling."

Referred to Judiciary Committee No. 2.

Also, a bill to be entitled "An act to amend articles 1213, 1215 and 2389, of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

Senator Stratton offered a joint resolution, requesting Texas Senators and Representatives to urge upon Congress the settlement of the claims of those who suffered from the burning of the town of Brenham, Texas, in 1866."

Referred to Committee on Federal Relations.

Senator Randolph introduced a bill entitled "An act to amend articles 358, 364, 365 and 366, chapter 3, title 10, of the Penal Code."

Referred to Judiciary Committee No. 2.

Also, a bill entitled "An act to amend title 10, of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas by adding thereto articles 236a, 236b and 236c."

Referred to Judiciary Committee No. 1.

Senator Terrell, for Committee on Education, submitted the following report :

COMMITTEE ROOM,
AUSTIN, February 5, 1883.

Hon. Marion Martin, President of the Senate :

Your Committee on Education, to whom was referred Senate bill No. 189, to be entitled "An act to provide for the permanent endowment, in land or its proceeds, of the University of Texas and its branches, including the branch for the instruction of colored youths," have considered the same, and instruct me to report the bill

back with the accompanying substitute, with the recommendation that the substitute do pass.

The substitute proposes the permanent endowment of the University and its branches with one million of acres of public land, set aside by the acts of July 14, 1879, and March 11, 1881 (embraced in specified counties), for the payment of public debt.

All of which is respectfully submitted.

TERRELL, for Committee.

Bill read first time.

On motion of Senator Terrell, one hundred copies of the bill were ordered printed, and it was made the special order for Wednesday next, the seventh instant, after the morning call, and continued from day to day until disposed of.

Senator Collins moved to suspend the regular order of business and take up Senate bill No. 126, entitled "An act amendatory of title 83, and of the supplement thereto of the Revised Civil Statutes" (the quarantine law).

Carried.

The bill taken up and read second time.

The President gave notice of signing House bill No. 14, entitled "An act to amend article 1565, of chapter 8, title 29, of the Revised Civil Statutes."

A message was received from the House, announcing the passage of House bill No. 340, entitled "An act making an appropriation for the deficiency in the amount appropriated for public printing for the year beginning February 28, 1882, and ending February 28, 1883."

First committee amendment to the pending bill adopted.

Second committee amendment adopted.

Third committee amendment adopted.

Senator Collins offered the following amendment to fourth committee amendment:

Add to section 3, "Provided the said steam tug shall be new, made to order upon plans and specifications approved by the Governor and health officer, and suited to its proposed use, for quarantine purposes, and constructed with necessary appliances for disinfection, fumigation and purification of vessels and cargoes; and provided, further, that the entire cost of said steam tug, engine, boilers, tackle, furniture, apparel and quarantine appliances shall not exceed \$15,000.

Amendment adopted, and fourth committee amendment, as amended, adopted.

Fifth committee amendment adopted.

Sixth committee amendment adopted.

Seventh committee amendment adopted.

Senator Stratton offered the following amendment:

"There being no law upon the subject of quarantine, adequate to the protection of public health, and the near approach of the season of the year when quarantine will have to be declared, a public necessity and an emergency therefore exists, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage; and it is so enacted."

Adopted.

Senator Getzendaner offered the following amendment:

Amend section 2, article 4090i, by adding at the end of line 4, "provided, no one shall be required to furnish evidence to convict himself."

Lost.

Senator Stratton offered to amend by striking out 4090c, in last lines of sections 1 and 2 of supplement, and inserting in lieu thereof, 4090i.

Adopted, and bill ordered engrossed.

Senator Stratton moved to suspend rules to put the bill on its third reading.

The Senate refused to suspend rules by the following vote, it requiring a four-fifths vote to suspend:

YEAS—19.

Buchanan,
Chesley,
Collins,
Farrar,
Fleming,
Fowler,
Gibbs,

Gooch,
Houston,
Jones,
Kleberg,
Matlock,
Patton,

Peacock,
Randolph,
Shannon,
Stratton,
Terrell,
Traylor.

YEAS—5.

Evans,
Geizendaner,

Johnson of Collin,
Martin.

Perry.

Senate bill No. 8, "An act to repeal the fourth section of an act entitled 'an act defining who are officers in this State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881," was taken up in regular order, with majority and minority reports.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called. Senate full.

Senator Davis moved to adopt the minority report.

(Senator Gooch in the chair.)

Senate bill No. 8 discussed.

(President in the chair.)

The President gave notice of his signing Senate bill No. 17, entitled "An act to repeal an act entitled 'an act granting to persons who have been permanently disabled by wounds received while in the service of this State, or of the Confederate States, a land certificate for 1280 acres of and.'"

And Senate bill No. 58, entitled "An act amending article 4000 of the Revised Civil Statutes."

The President referred House bill No. 340, entitled "An act making an appropriation for the deficiency in the amount appropriated for public printing for the year beginning February, 1882, and ending February 28, 1883," to the Committee on Finance.

Senator Randolph introduced the following resolution:

WHEREAS, The Legislature is in the midst of the session without any official report from the Comptroller's office; and,

WHEREAS, Numerous bills and joint resolutions are under consideration, proposing to increase the expenditures of government, and to affect the collection of taxes; and,

WHEREAS, Without the Comptroller's report, which is necessary as a basis for estimates and calculations in making appropriations and fixing the rate of taxation; therefore,

Resolved, That the Senate, without a knowledge of the cause of the delay in the presentation of this report at this and previous sessions of the Legislature, and without the intention of reflecting upon any official or State department, declares this delay to be an obstruction of the public business that requires explanation and a remedy; and,

Resolved, further, That the Committee on Public Printing inquire into this matter, and report to the Senate the result of their inquiries, and what legislation, if any, is necessary in the premises.

Referred to the Committee on Public Printing.

Senator Terrell, Chairman of Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1 have considered Senate bill No. 183, and instruct me to report the same back with a substitute, and to recommend that the substitute do pass.

The object of the bill is to provide the continuance for two years from October 1, 1883, of "the Commission of Appeals of the State of Texas."

TERRELL, Chairman

Bill read first time with substitute.

Senator Chesley, for Judiciary Committee No. 1, by unanimous consent, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 5, 1883

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 212, being a bill entitled "An act to amend articles 1213,

1215 and 2389, of the Revised Civil Statutes of the State of Texas," have considered the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

CHESLEY, for Committee.

Bill read first time.

On motion of Senator Perry, Senator Pfeuffer was excused on account of important business.

On motion of Senator Perry, the Senate adjourned until 10 o'clock to-morrow morning.

TWENTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 6, 1883. }

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Peacock, the reading of the journal was dispensed with, and the same adopted.

On motion of Senator Martin, Senator Harris was excused for absence yesterday, on account of important business.

Senator Fleming presented a petition from the citizens of Taylor county, requesting the Legislature to pass a constitutional amendment prohibiting the importation, sale and manufacture of intoxicating liquors, as a beverage, in Texas, to be submitted to the people for their adoption, etc.

Referred to the Committee on Constitutional Amendments.

Also, petition from citizens of Howard county, to be formed into a new land district, etc.

Referred to the Committee on Public Lands.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 66, being "An act confirming patents and surveys by virtue of headright and bounty warrants, issued under special laws enacted after March 31, 1870, and prior to April 17, 1876."

Also, Senate bill No. 151, being "An act to amend chapter 2, title 8, of the Penal Code of the State of Texas, by adding thereto article 198a."

Also, Senate bill No. 152, being "An act to amend chapter 4, title 12, of the Penal Code, by adding thereto articles 403a, 403b, and 403c."

Also, Senate bill No. 177, being "An act to amend article 575, chapter 3, title 20, of the Revised Statutes, by adding thereto section 9," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Patton, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was submitted Senate bill No. 10, entitled "An act to repeal an act entitled 'an act to prescribe the requisites of indictments in certain cases,' approved March 26, 1881, except as to indictments and criminal prosecutions pending at the time this act takes effect," and the question as to what effect the repeal of the act approved March 26, 1881, entitled "An act to prescribe the requisites of indictments in certain cases," would have upon our penal laws, respectfully present that the question depends entirely upon the effect which the enactment of said statute had upon said laws, and that, in the opinion of the committee, neither the penal laws of the State, nor article 420 of the Code of Criminal Procedure, prescribing the requisites of indictments, were repealed, either in whole or part, by the passage of said act, and, consequently, that the repeal of said act would neither affect our penal laws nor procedure.

1. The law in question is a general law, prescribing the forms of indictments in contradistinction with the special statutes defining offenses, as homicides, theft, etc., and, under the rules of construc